

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DEMETRIUS DIGGS, # 339-777
a/k/a Demetrius Harris

Plaintiff,

v.

OFFICER R.L. Harris, et al.

Defendants.

* CIVIL ACTION NO. RDB-07-2107

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MEMORANDUM OPINION

Before the court is a pro se 42 U.S.C. 1983 prisoner civil rights action filed by Demetrius Diggs, an inmate at the Western Correctional Institution. The Court will grant Diggs permission to proceed in forma pauperis for the limited purpose of preliminary review as he has neither paid the civil filing fee nor requested permission to proceed as an indigent.

Federal district courts are required to dismiss actions that are fail to state a claim upon which relief can be granted. *See* 28 U.S.C. 1915A. This action satisfies that standard. For the reasons that follow, the complaint will be dismissed without prejudice under 28 U.S.C. § 1915A.

. In the instant pleading, Diggs complains of an incident that allegedly occurred at the Maryland Correctional Institution- Jessup on December 16, 2006, when he was incarcerated there. According to Diggs, after his evening meal was accidently dropped through the feed-slot, he asked Officer Harris for another meal tray, stating that he received a high calorie meal. Diggs states Officer Harris became upset, “slammed” Diggs’s hand into the slot of the door, and refused to give Diggs another meal.

Diggs does not claim that he sustained any injury as a result of the allegedly missed meal nor provides any details from which to infer that a missed meal amounted to deprivation of a serious

medical need. Further, he does not allege that he sustained any injury to his hand and that Officer Harris's actions were malicious or deliberate. Absent any allegation of injury, Plaintiff's claims do not rise to the level of constitutional violation. Plaintiff has failed to state a claim upon which relief may be granted. Accordingly, the Court will dismiss the Complaint without prejudice.

September 6, 2007

Date

/s/

RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE